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7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
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10 TERRIS R. JONES SR.,

11 Plaintiff,

12 v.

13 LAS VEGAS VALLEY WATER  
14 DISTRICT, *et al.*,

15 Defendants.

Case No. 2:11-CV-00435-KJD-PAL

**ORDER**

16 Presently before the Court is the Motion for Costs and Attorneys' Fees (#53) of Defendants  
17 Las Vegas Valley Water District, Pat Mulroy, Patricia Maxwell, Alan Schmidt, Juan Sanjurjo,  
18 Richard Tritley and Richard Fox (collectively "Defendants"). Plaintiff Terris Jones filed a response  
19 in opposition (#61).

20 **I. Background and Procedural History**

21 Plaintiff is a security guard at the Las Vegas Valley Water District. Plaintiff has filed three  
22 actions in this district against employees under Title VII for discrimination and retaliation related to  
23 his employment. This action, the second of three, was resolved when the Court granted Defendants'  
24 Motion for Summary Judgment. (Order, Doc. #48). Defendants then filed the present motion  
25 seeking costs and partial attorneys' fees.  
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1 II. Motion for Costs and Partial Attorneys' Fees

2 A. Costs

3 Fed. R. Civ. P. 54 provides that costs should be allowed to a prevailing party. Local Rule 54-  
4 1 directs the prevailing party to file a verified Bill of Costs. Here, Defendants provided a Bill of  
5 Costs in the amount of \$3,601.85. Since Defendants prevailed on summary judgment they are  
6 granted costs in the amount of \$3,601.85.

7 B. Fees

8 Under Title VII, 42 U.S.C. § 706(k), the prevailing party may be awarded attorneys' fees  
9 upon a finding that the plaintiff's action were "frivolous, unreasonable, or without foundation, even  
10 though not brought in subjective bad faith." *Christiansburg Garment Co. v. EEOC*, 343 U.S. 412,  
11 421 (1978). An action is frivolous when the result appears obvious or the arguments are wholly  
12 without merit. *Id.* Further, a court has the inherent power to award attorneys' fees when a party acts  
13 in bad faith, vexatiously, wantonly, or for oppressive reasons. *See Chambers v. NASCO, Inc.*, 501  
14 U.S. 32, 44, 111 S.Ct. 2123, 115 L.Ed.2d 27 (1991). The Ninth Circuit requires district courts to  
15 consider a pro se plaintiff's financial resources in determining an award of attorneys' fees. *See Horn*  
16 *v. Carter*, 360 Fed. Appx. 851, 2009 WL 5196078 (9th Cir. 2009).

17 Plaintiff has filed three lawsuits in this District. One of these cases relates to the same facts  
18 and was pending when Plaintiff filed this action. Plaintiff could have moved to amend his complaint  
19 instead of filing a new suit. *See* Case No. 2:10-cv-01941-GMN-PAL. Plaintiff has been deemed a  
20 vexatious litigant by this Court for his repeated baseless assertions against co-workers. *See*  
21 2:12-cv-00282-KJD-CWH Dkt. # 35. In addition, Plaintiff filed numerous frivolous pleadings in  
22 this case including a motion to strike answer (#10), motion for summary judgment (#32), motion for  
23 leave to amend summary judgment (#35) and a second motion for partial summary judgment (#46).  
24 In each case Plaintiff's motions were unsubstantiated, did not comply with the Federal Rules of Civil  
25 Procedure, and did not comply with the Local Rules. Even though the motions lacked a legal and/or  
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1 factual basis, Defendants were required to prepare and file oppositions to the motions and the Court  
2 was required to address them.

3 Given Plaintiff's litigation history in this District, it is apparent that an award of attorneys'  
4 fees is appropriate to deter further harassing and costly litigation and waste of judicial resources.  
5 Defendants have submitted an affidavit verifying that \$18,167.00 attorneys' fees has been incurred in  
6 this suit. It appears that Plaintiff continues to be employed by Defendant Las Vegas Valley Water  
7 District, and, accordingly has resources available for payment of attorneys' fees. In light of Plaintiff's  
8 *pro se* status, the Court declines to issue a full award. However, due to the unreasonable and  
9 frivolous nature of Plaintiff's suit, the Court finds that an award of \$1,000 in attorneys' fees is  
10 reasonable and appropriate. Accordingly, Defendants are awarded \$1,000 in attorney's fees.

11 III. Conclusion

12 Accordingly, **IT IS HEREBY ORDERED** that Defendants' Motion for Costs and Partial  
13 Attorneys' Fees (#53) is **GRANTED**.

14 **IT IS FURTHER ORDERED** that Defendants are awarded costs in the amount of  
15 \$3,601.85.

16 **IT IS FURTHER ORDERED** that Defendants are awarded attorneys' fees in the amount of  
17 \$1,000.

18 DATED this 26<sup>th</sup> day of July 2012.

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22 Kent J. Dawson  
23 United States District Judge  
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